

DOCKET NO.: CC-3052/A0397US
Application No.: 09/780,760
Office Action Dated: July 13, 2005

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

The above amendment is responsive to the pending final rejection. Applicant requests entry of this amendment because it corrects minor errors of antecedent basis and editing. Applicant also submits a terminal disclaimer based on telephone conversations with Examiner Hilton on September 20, 2005.

CLAIM REJECTIONS AND OBJECTIONS

Claims 6 and 49 have been objected to as being a substantial duplicate of claims 31 and 32. Applicant cancels claims 6 and 49 in this response to overcome the double patenting rejection.

Claims 7, 17, 18, and 58 - 66 have been rejected under Section 112 as indefinite. Applicant amends claims 7, 17, 18, and 58 to overcome the rejections. Claims 65, 73, and 81 are also amended. Claims 59 - 66 were rejected only because they depend from a rejected claim. Accordingly, Applicant submits that the claims are in condition for allowance after entry of these amendments, which are explained below.

Applicant amends claim 7 to delete the phrase "is enhanced by the contact between spud and the spout" such that the phrase after entry of the amendment the claim recites, "the contact between the spud and the interior surface of the spout enhances the sealing contact between the spout cover interior surface and the spout exterior surface."

Applicant amends claim 17 to delete the word "cover" to replace it with the word "cap" such that the phrase after entry of the amendment is "cap sidewall." Claims 65, 73, and 81 are also amended to correct like errors. Applicant amends claims 18 and 58 to delete one instance of the word "cover" such that the phrase after entry of the amendment is "spout cover bead engaging the spout bead." Applicant submits that the amendments to claims 7, 17, 18, 58, 73, and 81 overcome the pending Section 112 rejections and place the claims in condition for allowance.

Claims 59-66 have been objected to under Section 112 because they depend from claim 7, which has been rejected under Section 112. As described above, claim 7 is amended according to the Examiner's suggestion to put it in condition for allowance. As a result, Applicant submits that dependent claims 59-66 are now allowable.

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Applicant acknowledges the Examiner's recognition of the patentable subject matter of claims 1, 2, 4, 8-19, 22-24, 26, 31-34, 50-58, and 67-82, and acknowledges with appreciation Examiner Hilton's constructive approach to examination of this application.

DRAWINGS

Applicant believes that drawings filed on July 9, 2004 have been accepted and requests acknowledgement of their acceptance.

TERMINAL DISCLAIMER AND INFORMATION DISCLOSURE STATEMENT

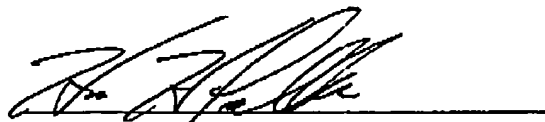
Upon submission of the Information Disclosure Statement filed on July 24, 2004, references 8 - 11 were not considered. After a September 20, 2005, telephone conversation between Examiner Hilton and the undersigned, Examiner Hilton considered the references and requested that Applicant file a terminal disclaimer based on United States Patent Application Number 10/068,714, which was submitted in the July 24, 2004, IDS.

Applicant understands that Examiner Hilton reviewed the references of the July 24, 2004, IDS and requests acknowledgement of the review.

CONCLUSION

Applicant submits that all of the claims after entry of this amendment are in condition for allowance. If the Examiner determines that a telephone conversation would further the prosecution of this case, she is invited to telephone the undersigned at her convenience.

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